



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/654,760	05/29/96	VORA M	V&F-001

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MM21/0302

EXAMINER

CRANE, S

ART UNIT

PAPER NUMBER

2811

DATE MAILED: 03/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 2811

The reply brief filed 12/14/98 has been entered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Paper submitted 7/20/98

This paper was hand carried to the examiner subsequent to the paper of 6/17/98, mentioned in the Examiner's Answer. This paper was properly handled by the PTO. It was stamped by the Group receptionist, entered into the log, and passed on to the technical support staff for processing. By the time this paper was matched up with the case file, the original papers submitted 6/12/98 and 6/15/98 had already been entered. Because this paper was a duplicate of the previously submitted papers, it was placed in the file but was not processed further. Duplicate papers are placed in the case file, but not processed further. The Advisory Action of 8/17/98 responded to the original papers of 6/12/98 and 6/15/98, which were matched to the case file on 8/5/98. The Advisory Action was therefore also a response to the duplicate submission.

Examiner notes that there is simply no procedure set forth in the MPEP by which an examiner can sign to acknowledge receipt by the PTO of a paper intended to be a formal response. An Applicant's proof of receipt of a hand carried paper is the date stamped card presented to the Group receptionist to accompany submission of the paper, not an examiner's signature on a copy of the paper. Note that the PTO is not "losing" Appellant's papers. Each

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paper submitted was properly handled in a timely fashion for a paper not identified as an "after-final."

Evidence of Watts

It is not clear to the examiner whether the papers on "Lithography" were presented for the examiner's consideration, or not. If a response from the examiner is required, the following comments are offered:

The evidence does not meet the Appellant's burden of proof. At best, the paper would show that significant alignment error can occur, in a process involving a wafer stepper and photolithography. There is no showing that alignment error must occur, however. If many of the Mori devices were made by this process, some would have significant alignment error, others would not. Those without significant alignment error, at least, would anticipate claim 2. Also, there is no evidence of record to show that the Mori device was made by a process involving a wafer stepper, or photolithography.


Sara Crane
Primary Examiner